

**PLANNING AND ZONING MEETING  
TUESDAY, OCTOBER 28, 2014  
CITY COUNCIL CHAMBERS**

These minutes are a summary of the meeting. For full details view online at [www.casperwy.gov](http://www.casperwy.gov) on the Planning Commission web page. The Planning and Zoning Commission held a meeting at 6:00 p.m., on Tuesday, October 28, 2014, in the Council Chambers, City Hall, 200 North David Street, Casper, Wyoming.

Members Present: Fred Maguire  
James Holloway  
Monte Henrie  
Mary England  
Don Redder  
Gary Richards

Absent Members: Ryan Waterbury

Others Present: Liz Becher, Community Development Director  
Craig Collins, City Planner  
Aaron Kloke, Planner I  
Dee Hardy, Administrative Assistant II  
Wallace Trembath, Assistant City Attorney  
Jason Knopp, City Engineer  
Dan Guertmann, 1300 Venture Way  
Bill Fehringer, 6080 Enterprise Drive  
Lisa Burrige, 5820 South Walnut Street  
Randy Hall, 550 North Poplar Street  
Ryan Welsh, 1565 Trojan Drive  
Patrick Goen, 1450 Trojan Drive  
Ben Ends, 305 Upper Aster Road

**II. MINUTES OF THE PREVIOUS MEETING**

Chairman Maguire asked if there were additions or corrections to the minutes of the September 23, 2014 Planning & Zoning Commission meeting.

There being none, Chairman Maguire called for a motion to approve the minutes of the September 23, 2014 Planning & Zoning Commission.

Mr. Henrie made a motion to approve the minutes of the September 23, 2014 meeting. The motion was seconded by Ms. England. All those present voted aye. Minutes approved.

### **III. PUBLIC HEARING**

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

Ms. England recused herself from this case and left the meeting at 6:01 p.m.

**PLN-14-055-AZ** – Petition to annex the SE1/4SE1/4 Section 7, W1/2SW1/4 Section 8, and E1/2NE1/4 Section 18, T.33N, R78W, 6<sup>th</sup> P.M., Natrona County, Wyoming, comprising 23.43-acres, more or less, being referred to as “The Open Space Addition,” generally located south of East 2<sup>nd</sup> Street, and west of The Heights Addition; and rezoning said property from UA (Urban Agriculture) to City Zoning Classification PUD (Planned Unit Development). Applicant: VA Resources, LLC and Eastgate Ranches, LLC.

Aaron Klope, Planner I, presented the staff report which recommended that the Planning and Zoning Commission approve the request to annex the subject property for the five (5) reasons listed in the staff report; with the following conditions:

1. In order to meet the usable open space requirement of a PUD as defined in Title 17 of the Casper Municipal Code, a crushed stone, ten foot (10’) wide multi-use pathway shall be provided along the entire length of the open-space.
2. A public access easement shall be provided for the pathway, in a form acceptable to the City.

And approve the zoning of the subject property as PUD (Planned Unit Development), and incorporate the subject property into the McMurry Business Park PUD, and forward a “do-pass” recommendation to the City Council.

Mr. Klope entered six (6) exhibits into the record for this case.

Mr. Klope entered the Pathway Exhibit for the Open Space Annexation as exhibit “G.”

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Dan Guertmann, 1300 Venture Way, spoke in favor of this case.

Bill Fehringer, 6080 Enterprise Drive, spoke in favor of this case and explained access to the pathway.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no others to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-055-AZ regarding the annexation.

Mr. Henrie made a motion to approve case PLN-14-055-AZ, regarding an annexation creating Open Space Addition, for the five (5) reasons, and with Conditions #1-2 listed in the staff report and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Holloway. All those present voted aye. Motion carried.

Chairman Maguire entertained a motion to approve, deny or table PLN-14-055-AZ, regarding the zone change.

Mr. Holloway made a motion to approve case PLN-14-55-AZ, regarding the zoning of the Open Space Addition as PUD (Planned Unit Development), and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Henrie. All those present voted aye. Motion carried.

Ms. England returned to the meeting at 6:12 p.m.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-056-RZ** – Petition to vacate and replat a portion of Sunrise Hills No. 9 and Lots 18-21, Garden Creek Hills Patio Homes No. 1, to create Harmony Hills Addition No. 1, comprising 4.217-acres, more or less, generally located at Goodstein Drive and Walnut Street; and rezoning of said property from PUD (Planned Unit Development) to R-2 (One Unit Residential). Applicant: Serge M. & Lillian C.S.L. D’Elia.

Aaron Kloke, Planner I, presented the staff report which recommends that the Planning and Zoning Commission approve the plat the Harmony Hills Addition No. 1, and rezone the same from PUD (Planned Unit Development) to R-2 (One Unit Residential) forward a “do pass” recommendation to the City Council with the following condition:

1. Prior to review by the City Council, a preliminary water and sewer study shall be submitted to the City Engineering Department for review and approval.

Mr. Kloke entered seven (7) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Lisa Burridge, 5820 South Walnut Street spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-056-RZ regarding the plat.

Mr. Redder made a motion to approve case PLN-14-056-RZ, the request for platting to create the Harmony Hills Addition No. 1, with Condition #1, listed in the staff report, and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Holloway.

Mr. Redder made a motion to amend the motion to include Condition #2 clarification of the street right of way on South Walnut Street. Motion Seconded by Mr. Holloway. All those present voted aye. Amended Motion carried.

Mr. Redder made a motion to approve case PLN-14-056-RZ, the request for platting to create the Harmony Hills Addition No. 1, with Condition #1 listed in the staff report and amended Condition #2, and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Holloway. All those present voted aye. Motion carried.

Chairman Maguire entertained a motion to approve, approve with conditions, deny, or PLN-14-056-RZ regarding the zoning.

Ms. England made a motion to approve case PLN-14-056-RZ, regarding the zoning of the Harmony Hills Addition No. 1 to R-2 (One Unit Residential), and forward a “do pass” recommendation to Council. The motion was seconded by Mr. Henrie. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-057-S** – Preliminary PUD site plan review for a Sub-Area Plan for portions of the Park Ridge Medical Campus Additions, Numbers 1-3, located in the McMurry Business Park PUD, generally located north of East 2<sup>nd</sup> Street and west of Hat Six Road. Applicant: Granite Peak Development, LLC.

Aaron Kloke, Planner I, presented the staff report which recommends that the Planning and Zoning Commission approve the sub-area plan for portions of the Park Ridge Medical Campus Additions, Numbers 1 - 3, located in the McMurry Business Park PUD, and forward a “do-pass” recommendation to the City Council with the following conditions:

1. Pursuant to the approved McMurry Business Park PUD Guidelines, prior to the development of any of the lots, a detailed site plan shall be submitted to the Community Development Department for review and approval.
2. That future site plans provide for the alignment of curb cuts and approaches to reduce traffic conflict points on the public streets.

Mr. Kloke entered six (6) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Dan Guertmann, 1300 Venture Way, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-057-S.

Mr. Henrie made a motion to approve case PLN-14-057-S, the sub-area plan for portions of the Park Ridge Medical Campus Additions, Numbers 1-3, located in the McMurry Business Park PUD, with Conditions #1-2 listed in the staff report, and forward a "do pass" recommendation to the City Council. The motion was seconded by Mr. Redder. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-058-S** – Site plan approval for a four-story, 23,191 square foot (footprint), Residence Inn Marriott Hotel, located on Lot 1, Blackmore Marketplace Addition No. 12, generally located north of East 2<sup>nd</sup> Street and east of the Home Depot. Applicant: Forward Development, LLC.

Aaron Kloke, Planner I, presented the staff report which recommended that the Planning and Zoning Commission approve the site plan for the construction of a ninety-nine (99) unit, four-story, 92,764 square foot (floor area) hotel on Lot 1 of the Blackmore Marketplace Addition No. 12, with the following conditions:

1. That prior to the issuance of a building permit, the applicant shall provide the City with a recorded copy of the cross-access/shared parking agreement.
2. That prior to the issuance of a building permit, the applicant shall obtain City Engineering Department approval of a stormwater drainage study for the site.

3. All exterior light fixtures on the site shall be full-cutoff fixtures to prevent off-site glare and light trespass.

Mr. Kloke entered six (6) exhibits into the record for this case.

Mr. Collins advised that he would like to amend Condition #1; because he had a discussion with the applicant and they more than meet the minimum standard for parking, therefore the Condition #1 should read only the recorded cross access agreement and not shared parking.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Randy Hall, 550 North Poplar Street, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no others to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-058-S.

Ms. England made a motion to approve case PLN-14-058-S, the site plan for the construction of a ninety-nine (99) unit, four-story, 92,764 square foot (floor area) hotel, with Conditions #1-3 as amended and listed in the staff report and forward a "do pass" recommendation to the City Council. The motion was seconded by Mr. Henrie. All those present voted aye with the exception of Mr. Redder who voted nay. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-059-Z** – Petition for a Zone Change of Tract B, Falcon Crest III and Tracts B and C, Falcon Crest IV, located east of South McKinley Street at the intersection of East 26<sup>th</sup> Street, from R-3 (One to Four Unit Residential) to R-4 (High-Density Residential). Applicant: Carlos Iparraguirre and David Iparraguirre.

Aaron Kloke, Planner I, presented the staff report which recommended that the Planning and Zoning Commission approve the request to rezone Tract B, Falcon Crest III and Tracts B and C, Falcon Crest IV from R-3 (One to Four Unit Residential) to R-4 (High Density Residential), and forward a "do-pass" recommendation to the City Council.

Mr. Kloke entered seven (7) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Ryan Welsh, 1565 Trojan Drive, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-059-Z.

Mr. Richards made a motion to approve case PLN-14-059-Z, rezoning of Tract B, Falcon Crest III and Tracts B and C, Falcon Crest IV from R-3 (One to Four Unit Residential) to R-4 (High Density Residential), and forward a “do pass” recommendation to the City Council. The motion was seconded by Mr. Redder. All those present voted aye. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-060-C** – Petition for a Conditional Use Permit for an apartment, for security reasons, in an M-1 (Limited Industrial) zoning district, on Lot 25, Block 58, Goen Addition No. 2, located at 242 North Kimball Street. Applicant: Patrick L. Goen.

Aaron Kloke, Planner I, presented the staff report which recommends that the Planning and Zoning Commission approve the Conditional Use Permit for an apartment, for security reasons, in an M-1 (Limited Industrial) zoning district, located at 242 North Kimball Street, with the following condition:

1. Pursuant to Section 17.84.030 of the Casper Municipal Code, the apartment shall only be occupied as necessary for safety or security reasons, in conjunction with the principal use, and shall be occupied only by persons responsible for security in the principal use.

Mr. Kloke entered five (5) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Patrick Goen, 1450 Trojan Drive, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-060-C.

Mr. Henrie made a motion to approve case PLN-14-060-C, the request for a Conditional Use Permit for an apartment, for security reasons, in an M-1 (Limited Industrial) zoning district, located at 242 North Kimball Street, with Condition #1, for the two (2) Reasons and Findings A-

F listed in the staff report. The motion was seconded by Ms. England. All those present voted aye with the exception of Mr. Holloway who voted nay. Motion carried.

**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-061-C** – Petition for a Conditional Use Permit for an oversized accessory building (detached garage) with a building footprint of 1,800 square feet, in excess of the 1,500 square foot maximum permitted; and with exterior walls 16' feet in height, in excess of 12' maximum wall height permitted, in an R-1 (Residential Estate) zoning district; on Lot 34, Block 20, Paradise Valley Addition, located at 305 Upper Aster Road. Applicant: Jake Hoopes.

Aaron Klope, Planner I, presented the staff report which recommends that the Planning and Zoning Commission approve the Conditional Use Permit the construction of an oversized, 1,800 square foot, detached garage in excess of the 1,500 square foot maximum permitted, and for the construction of a garage with sixteen (16) foot walls, in excess of the twelve (12) foot maximum wall height for accessory buildings, located on the subject property with the following condition:

1. The accessory building shall be similar in design, with comparable exterior residential materials and roof pitch, to the principal residential neighborhood buildings; and shall not use vertical metal siding.

Mr. Klope entered five (5) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Ben Ends, 305 Upper Aster Road, authorized representative for the applicant, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-061-C.

Mr. Holloway made a motion to approve case PLN-14-061-C, the request for a Conditional Use Permit for the construction of an oversized, 1,800 square foot, detached garage in excess of the 1,500 square foot maximum permitted, and for the construction of a garage with sixteen (16) foot walls, in excess of the twelve (12) foot maximum wall height for accessory buildings, with Condition #1, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Redder. All those present voted aye. Motion carried.



**The Chairman advised the applicants that it takes four (4) affirmative votes to carry any motion not just a majority of those commission members present. Anything less than four (4) votes is a denial. Applicants can postpone their public hearing until next month in anticipation of more Planning Commission members being present, if they so desire.**

**PLN-14-062-C** – Petition for a Conditional Use Permit for an off-premise sign (Multi-Tenant Sign) in a C-2 (General Business) zoning district; located on the east side of SW Wyoming Boulevard, north of Talon Drive, between the west boundary of Lot 1 and the 30' pedestrian drainage and utility easement; on Tract A, Mesa Addition No. 7. Applicant: Mesa Development, Inc.

Aaron Klope, Planner I, presented the staff report which recommends that the Planning and Zoning Commission approve the Conditional Use to install an off-premise sign (multi-tenant sign), located on the east side of SW Wyoming Boulevard, north of Talon Drive, between the west boundary of Lot 1 and the 30' pedestrian drainage and utility easement, with the following condition:

1. That all temporary, off-premise signs within the Mesa Addition be removed prior to the construction of the subject off-premise (multi-tenant) sign.

Mr. Klope entered five (5) exhibits into the record for this case.

Chairman Maguire opened the public hearing and asked for the person representing the case to come forward and explain the application.

Randy Hall, 550 North Poplar Street, spoke in favor of this case.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

There being no one to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, approve with conditions, deny, or table case PLN-14-062-C.

Mr. Richards made a motion to approve case PLN-14-062-C, the request for a Conditional Use Permit to install an off-premise sign (multi-tenant sign), located on the east side of SW Wyoming Boulevard, north of Talon Drive, between the west boundary of Lot 1 and the 30' pedestrian drainage and utility easement,, with Condition #1, for the two (2) Reasons and Findings A-F listed in the staff report. The motion was seconded by Mr. Henrie. All those present voted aye with the exception of Mr. Holloway who abstained. Motion carried.

**The next case this evening:**

**Ordinance Amendment** – Amending Section 17.94.130 of the Casper Municipal Code to allow roof signage in the OYDSPC (Old Yellowstone District and South Poplar Street Corridor) Form Based Code.

Aaron Kloke, Planner I, presented the staff report which recommended that the Planning and Zoning Commission review the proposed ordinance amendment to the Casper Municipal Code, and forward a “do pass” recommendation to the City Council.

There was discussion on:

- Discouraging flashing lights.
- Digital Signage Ordinance that has not been codified.
- Height of roof top signs.

Chairman Maguire asked for anyone wishing to comment in favor of or opposition to this case.

Randy Hall, 550 North Poplar Street, spoke in opposition to this amendment to Chapter 17.

There being no others to speak, Chairman Maguire closed the public hearing and entertained a motion to approve, the proposed ordinance amendments to the Casper Municipal Code, and forward a “do pass” recommendation to City Council.

Mr. Richards made a motion to approve ordinance amendments to 17.94.130 of the Casper Municipal Code to allow roof signage in the OYDSPC (Old Yellowstone District and South Poplar Street Corridor) Form Based Code, and forward a “do pass” recommendation to City Council. The motion was seconded by Mr. Henrie. All those present voted aye with the exception of Ms. England and Mr. Holloway who voted nay. Motion carried.

#### **IV. COUNCIL ACTIONS:**

There were none.

#### **V. SPECIAL ISSUES:**

There were none.

#### **VI. COMMUNICATIONS:**

A. Commission:

B. Community Development Director:  
New Business.

Ms. Becher advised that there would be a Planning and Zoning training on Wednesday, November 5, 2014, 11:30 a.m., Downstairs meeting room. She stated one of the topics would be a discussion of Flag Lots.

Ms. Becher noted that Mr. Henrie and Ms. England's terms on the Old Yellowstone District South Poplar Street Corridor (OYDSPAC) Advisory Committee would be up at the end of the year and the Commission will need to choose replacements. The next Developer Forum will be held Thursday, November 20, 2014.

Old Business:

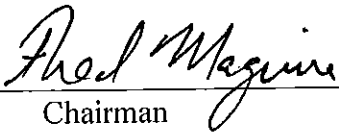
Ms. Becher advised that the MPO (Metropolitan Planning Organization) Bike Pedestrian Study had been completed and City Council would be looking it over.

C. Other Communications:  
There were none.

D. Council Liaison:  
Bob Hopkins apologized to the Commission for lack of attendance at Planning and Zoning Commission meetings due to City Council Work Sessions. He thanked the Commission for their work. Mr. Hopkins noted that earlier the Council had good discussions regarding housing at LifeSteps Campus on East 12<sup>th</sup> Street, and safety on the Platte River (signage had been provided).

## VII. ADJOURNMENT

Chairman Maguire called for a motion for the adjournment of the meeting. A motion was made by Mr. Redder and seconded by Mr. Richards to adjourn the meeting. All present voted aye. Motion carried. The meeting was adjourned at 8:08 p.m.

  
Chairman

  
Secretary